

In The United States District Court For
Middle District of Alabama
RECEIVED

Courtney Boyd
Plaintiff
VS

2006 NOV 27 A 10: 23

CLARA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

2:06-CV-511-ZWKZ

Dr. Darbaze, et al,
Defendants

AFFIDAVIT

Be fore me, The undersigned authority for the said County and State personally appeared the affiant, Courtney Boyd, who is known to me, and after being duly affirmed, deposed and says as follows:

I, Courtney Boyd, after being fully sworn deposes follows:

The plaintiff, Courtney Boyd, writes this Affidavit in support of both Motion For Good Cause: Objections to the Court Order / Appeals. The plaintiff filed for production of documents, one on July 26, 2006, and on 8-12-06. This honorable Court ruled on the production of documents from Officer W. Whitehead, on 9-5-06, but ~~never~~ ruled on the one for Defendants filed on July 26, 06. So the plaintiff never received any documents from the Defendants, and he needs these documents. It was also three interrogatories filed with the production of documents filed on July 26, 2006. It was the plaintiff's understanding that the Court only ruled on the motion filed on 8-12-06, and say that the plaintiff has received these documents already, so they denied in part in granted in part. However the plaintiff never received any of the documents requested for on 7-26-06. See Rule 37A. So the plaintiff request that he be granted Admission and the Defendants be compelled under Rule 37 to produce the documents requested on 7-26-06. If the plaintiff is not given these documents, it will prejudice his case.

On 11-9-06, The Defendants answer the Court order on 10-18-06, where they answer order to show good cause why the plaintiff's motion should not be granted. Until the Defendants answer, but never show good cause why the motion should not be granted.

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the Defendants never show good cause, all he did ever get a brief Affidavit from a doctor, who when he wrote these profiles, don't know that I had a suit against the company he worked for, and against Defendants for not giving me those profiles. That's why he only said Dr. Darbouze have seen me longer than him, Well Dr. Darbouze did not show good cause why the motion should not be granted, all he says is that it against his medical judgment. But he don't state where he got his medical judgment from. He gives no paper or document to show his reason for taken the plaintiff profiles. So therefore he don't answer this court order on 10-18-06.

On the other hand, the plaintiff lower back or lower body has gone out, and his legs had stop hurting him, also his stomach has not hurt him since he had these profiles. See the plaintiff's medical records. The Defendant Dr. Darbouze has stop the plaintiff's medication, so that's court deny the motion to Compel.

Dr. Bentley M.D., who the plaintiff has stated is certified to say what is wrong with his back, has said that he has a life long disability. She says that the injury he received can not be seen by x-ray, because it is not a broke bone. See the plaintiff's Traverse at Exhibit C. The injury to the plaintiff's back is Spondylolisthesis. The Defendant Dr. Darbouze, is now is he takes me for this now when it's not true. There this court should grant the plaintiff his motion to Compel, because his lower back or body has not gone out on him with them, like it did with them.

I hereby do swear that the foregoing is true and correct to the best of my knowledge, Pursuant to 28 USC, Section 1766, I, Courtney Bode, do hereby sign under the penalty of perjury that the foregoing is true and correct. Executed on 11-21-06

Courtney Bode

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Certificate of Service

I hereby certify that I have served a copy of the foregoing
upon the Defendants Counsel, by placing it into the Easterling
Corr. Fac. Mail box, on 11-21-06

Carly Byrd